

May 27, 2003

REGULAR SESSION

7:00 P.M.

The Regular Session Meeting was called to order at 7:00 P.M. by Mayor Ferguson with Councilmembers Simillion, Smits, and Duba present, along with City Manager Collins, City Clerk Davidson, Finance Director Hanson, Community Development Director Hannon, Parks & Recreation Director Ampietro, Community Development Technician Stawowy, several interested citizens and the press. Mayor Pro Tem Stone was absent.

Councilmember Duba asked Mayor Ferguson to add agenda item “E. Appointment of City Council Representative to Planning and Zoning Commission” to this evening’s agenda. Mayor Ferguson asked Council if they had any problems with adding the agenda item. They had no objections.

Consideration of Minutes:

Special Session Minutes of May 12, 2003.

Councilmember Simillion moved and Councilmember Duba seconded the motion that the Special Session Minutes of May 12, 2003, be approved as submitted.

Roll call vote, yes: Simillion. Carried by majority.

Roll call vote, no: None.

Roll call vote, abstain: Ferguson, Smits, Duba.

Reorganization Meeting Minutes of May 19, 2003

Councilmember Simillion moved and Councilmember Smits seconded the motion that the Reorganization Meeting Minutes of May 19, 2003, be approved as submitted.

Roll call vote, yes: Ferguson, Smits, Simillion. Carried by majority.

Roll call vote, no: None.

Roll call vote, abstain: Duba.

Pre-Scheduled Citizens: None.

Unfinished Business: None.

New Business:

Challenge Grant Application from “Whitewater Park Festival” in the Amount of \$1,220.00. This agenda item was discussed at the Council Work Session on May 20, 2003. Community Development Technician Stawowy and Whitewater Park Festival Committee members Bob Jones, Brian Owen and Carolyn Riggs came forward and explained they were asking for \$1,220

in funding to help with the costs of the event that was held last weekend. They had approximately 850 participants and spectators and they considered the festival a success. They are already making plans for next year’s event. Bob Jones explained that they were not able to totally comply with article number 5 in the Challenge Grant agreement concerning the advertising of the City’s logo. Some of the advertising materials were printed before they applied for the Challenge Grant. Mr. Jones then thanked Mayor Ferguson for speaking at the event.

Councilmember Duba moved and Councilmember Simillion seconded the motion to approve the Challenge Grant Application from the Whitewater Park Festival.

Mayor Ferguson suggested amending the motion to include the dollar amount. Councilmember Duba amended his motion and Councilmember Simillion agreed to amend the second to approve the Challenge Grant Application from the Whitewater Park Festival in the amount of \$1,220.00.

Roll call vote, yes: Smits, Duba, Simillion, Ferguson.

Roll call vote, no: None.

Mayor Ferguson thanked the Whitewater Park Festival Committee.

Challenge Grant Application from “Ridin’ High in Gunnison” in the Amount of \$1,025.00. This item was discussed at the Council Work Session on May 20, 2003. Community Development Technician Stawowy and community member Jerry Foley came forward. Technician Stawowy informed Council it is the Challenge Grant Committee’s recommendation to approve the application with the following conditions: Challenge Grant funds will only be used to purchase criterion bike race insurance and marketing and promotional materials; the applicant will display the City of Gunnison banner at the event; and the sponsor will use the City’s by-line on all promotional materials.

Councilmember Simillion moved and Councilmember Duba seconded the motion to approve the Challenge Grant Application from “Ridin’ High in Gunnison” in the amount of \$1,025.00.

Roll call vote, yes: Duba, Simillion, Ferguson, Smits. So carried.
Roll call vote, no: None.

Office Space for Gunnison Metropolitan Recreation District Project Coordinator. Parks and Recreation Director Ampietro informed Council the request wasn’t from the Gunnison Metropolitan Recreation District but rather he suggested the possibility of the Met Rec Project Coordinator Paul Foreman using Webster Hall office space to Paul Foreman. Mr. Foreman came forward and stated it would be a great cooperative effort between the two entities. Councilmember Smits asked if there were any other possible site and Director Ampietro stated no. Director Ampietro stated it would also be beneficial to the City to have another set of eyes in the building while programs are taking place. In addition, the Met Rec Board is aware they will be responsible for any costs associated with telephone, furniture and other expenses.

Councilmember Simillion moved and Councilmember Smits seconded the motion to lease at no charge the office space in Webster Hall for the Gunnison Metropolitan Recreation District Project Coordinator.

Roll call vote, yes: Simillion, Ferguson, Smits, Duba. So carried.
Roll call vote, no: None.

City Financial Report and Update. Finance Director Hanson reviewed the City’s financial report. The report represents January through the end of April, 2003. Director Hanson stated most of the line items are tracking where they should be at this time. Expenses should be tracking at approximately 35% of proposed budget. Line item 4106 is tracking slightly higher because two of four quarterly insurance payments for workers’ compensation have been made. The continuing challenge grants have been paid for this fiscal year. The Main Street Program and the Gunnison Valley Economic Development Corporation funding hasn’t been expended as yet. The Electric Department will probably require an additional appropriation for the year-end due to the warranty claim work associated with the Sunbelt Transformer failure. There has been \$17,300 in savings in capital projects to date.

Councilmember Duba moved and Councilmember Simillion seconded the motion to accept the Financial Report as submitted.

Roll call vote, yes: Ferguson, Smits, Duba, Simillion. So carried.
Roll call vote, no: None.

Councilmember Simillion commended Director Hanson on the good report. Councilmember Smits asked if the new Councilmembers could meet with the Finance Director and City Manager about budget information. The City Manager said he would make the arrangements.

Appointment of City Council representative to Planning & Zoning Commission. Councilmember Duba explained that he teaches a class on Monday and Wednesday nights, and with the Planning Commission meeting on Wednesday nights, he would be unable to attend those meetings. He would like to bow out of that appointment.

Councilmember Simillion moved and Councilmember Duba seconded the motion to appoint Councilmember Smits as the City Council representative to the Planning & Zoning Commission.

Roll call vote, yes: Smits, Duba, Simillion, Ferguson. So carried.
Roll call vote, no: None.

Ordinance and Resolutions:

Ordinance No. 3, Series 2003; Re: Amending Articles 15-17-4A of the 1997 Land Development Code to Expand Types of Uses Permitted on Non-conforming Lots; 2nd Reading.

Councilmember Simillion introduced Ordinance No. 3, Series 2003, and it was read by title only by the Mayor.

Councilmember Simillion moved and Councilmember Smits seconded the motion that Ordinance No. 3, Series 2003, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING SECTION 15-17-4 (A) OF THE CITY CODE OF THE CITY OF GUNNISON REGARDING DEVELOPMENT OF NONCONFORMING LOTS**, be introduced, read, passed and adopted on second reading this 27th day of May, 2003.

Roll call vote, yes: Duba, Simillion, Ferguson, Smits. So carried.
Roll call vote, no: None.

Ordinance No. 4, Series 2003; Re: Amending Articles 15-6-5 C. and D. of the 1997 Land Development Code to Modify Boundaries of the Entrance Overlay Zone, Eliminate the Highway Commercial Sub Area of that Zone and Amend its Standards; 2nd Reading.

Councilmember Simillion introduced Ordinance No. 4, Series 2003, and it was read by title only by the Mayor.

Councilmember Simillion moved and Councilmember Smits seconded the motion that Ordinance No. 4, Series 2003, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING THE REGULATIONS CONTAINED IN SECTION 15-6-5 OF THE CITY CODE OF THE CITY OF GUNNISON REGARDING THE ENTRANCE OVERLAY DISTRICT REGULATIONS**, be introduced, read, passed and adopted on second reading this 27th day of May, 2003.

Roll call vote, yes: Simillion, Ferguson, Smits, Duba. So carried.
Roll call vote, no: None.

Ordinance No. 5, Series 2003; Re: Amending Article 15-14-1B of the 1997 Land Development Code to Allow for Variances from Maximum Setbacks; 2nd Reading

Councilmember Simillion introduced Ordinance No. 5, Series 2003, and it was read by title only by the Mayor.

Councilmember Simillion moved and Councilmember Duba seconded the motion that Ordinance No. 5, Series 2003, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING SECTION 15-14-1 (B) OF THE CITY CODE OF THE CITY OF GUNNISON REGARDING VARIANCES WHICH MAY BE GRANTED**, be introduced, read, passed and adopted on second reading this 27th day of May, 2003.

Roll call vote, yes: Ferguson, Smits, Duba, Simillion. So carried.
Roll call vote, no: None.

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Ordinance No. 6, Series 2003; Re: Supplements to the Governmental Lease-Purchase Master Agreement with Wells Fargo Brokerage Services for the Lease-Purchase of Tymco Street Sweeper and a Tandem Axel Mack Dump Truck; 1st Reading.

Councilmember Smits asked to be excused due to a potential conflict of interest.

Councilmember Simillion introduced Ordinance No. 6, Series 2003, and it was read by title only by the Mayor.

Councilmember Simillion moved and Councilmember Duba seconded the motion that Ordinance No. 6, Series 2003, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE TWO SUPPLEMENTS TO THE GOVERNMENTAL LEASE-PURCHASE MASTER AGREEMENT, EACH OF WHICH CONTAINS AN OPTION TO PURCHASE, WHEREIN WELLS FARGO BROKERAGE SERVICES, LLC, IS LESSOR AND THE CITY OF GUNNISON, COLORADO, IS LESSEE, FOR A TYMCO REGENERATIVE AIR STREET SWEEPER AND A TANDEM AXLE MACK DUMP TRUCK FOR THE USE OF THE CITY OF GUNNISON PUBLIC WORKS DEPARTMENT**, be introduced, read, passed, and ordered published on first reading this 27th day of May, 2003.

Finance Director Hanson explained this is a supplement to the City's existing master lease agreement. The lease would begin June 13, 2003. She advertised for financing for the street sweeper and the dump truck and received six quotes. Wells Fargo Brokerage Services, LLC had the best interest rates.

Roll call vote, yes: Duba, Simillion, Ferguson. So carried.

Roll call vote, no: None.

Councilmember Smits returned to the meeting.

Ordinance No. 7, Series 2003; Re: Supplemental Appropriation to the 2003 City Budget; 1st Reading.

Councilmember Simillion introduced Ordinance No. 7, Series 2003, and it was read by title only by the Mayor.

Councilmember Simillion moved and Councilmember Duba seconded the motion that Ordinance No. 7, Series 2003, **AN ORDINANCE ADOPTING AN ADDITIONAL APPROPRIATION FOR THE FISCAL YEAR ENDING DECEMBER 31, 2003**, be introduced, read, passed, and ordered published on first reading this 27th day of May, 2003.

Finance Director Hanson stated the two items included in this additional appropriation is the Police Department's ADAD Grant with Gunnison Partners for alcohol education. Partners will record all expenses and revenues and the City will act as the grant banker - money in and money out. The second item is for the slurry seal project that was the number one priority on the supplemental capital project list.

Roll call vote, yes: Simillion, Ferguson, Smits, Duba. So carried.

Roll call vote, no: None.

City Attorney: Out of Town.

City Manager: Memo from City Attorney Landwehr, Re: Sale of City Property, more specifically, Lots 1 through 18, both inclusive, Block 41, WEST GUNNISON AMENDED, (vacant land at Evans and South Boulevard). City Manager Collins reviewed the memo from City Attorney Landwehr. There has been a significant amount of interest in the South Boulevard parcel of lots. Discussion ensued on how to proceed with the sale of the three City properties that the voters approved to be sold in the May 13, election. City Manager Collins stated City Attorney Landwehr is experienced in land transactions. Councilmember Smits asked if appraisals had been

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conducted on the properties. City Manager Collins stated yes and suggested Council review those documents either individually or in executive session. An executive session can be held to discuss the sale of real property owned by the City.

Councilmember Smits moved and Councilmember Simillion seconded the motion to direct Staff to prepare proposals for the sale of each parcel and to review the proposals and the property appraisals at an executive session at the next Regular Session on June 3, 2003.

Roll call vote, yes: Ferguson, Smits, Duba, Simillion. So carried.

Roll call vote, no: None.

Acting City Manager: Finance Director Wendy Hanson - Finance Departmental Report.

Director Hanson stated Council had received her departmental report in their packets and asked if they had any questions. Director Hanson explained the cash flow statement which is the actual cash on hand. She explained she has hired a part-time administrative clerk, Laura Lee Dittmar. Mayor Ferguson commended Director Hanson for her very clear report.

City Clerk:

City Clerk Davidson clarification a question from Councilmember Smits concerning whether a commission or board member can still serve until they are reappointed or replaced. City Attorney Landwehr researched the City Charter, Colorado Statutes and case law and determined a person can still serve until the vacancy is filled. The City Clerk passed out a thank you card from Gunnison High School Student Leadership Class for the City's participation in their annual SpringFest. The City Clerk then extended an invitation to each Councilmember to include a message to the citizens on the City website. If they are interested they can e-mail or get the message to Tracy Meehan. The City Clerk then passed around the registration form for the annual WSC Colorado Water Workshop. Since the City co-sponsors the event, the City is entitled to two registrations. Council will review the registration materials.

Non-Scheduled Citizens:

Attorney Nancy Essex came forward and introduced herself. She stated she is representing Pete Glatiotis who has a problem with the City utility code. Ms. Essex explained Mr. Glatiotis purchased 4 lots in the Rainbow Meadows Subdivision to build duplex units. When the subdivision was created, one service line was installed to each lot per City utility code. Mr. Glatiotis wanted to sell the units as condominiums and started the City's condominiumization process. However, buyers were having trouble getting financing for the units. Mr. Glatiotis then requested to proceed with subdividing the lots into individual units through the City's P.U.D. process. However, if he proceeds with the P.U.D. process, the City utility code would require individual service lines be run to each newly created lot. The street has been newly paved and it would have to be dug up to install new service lines and the lines would be an added expense to Mr. Glatiotis. Ms. Essex stated they have checked with the City of Montrose and they allow service lines to more than one lot in these types of circumstances. They are asking Council if something can be done in this instance. They would like to see if they can get an exemption for this project or have a code amendment to allow one service line for two units on individual lots.

Mayor Ferguson stated the existing code doesn't allow for a variance and suggested perhaps addition of language to allow for a variance is one possible way to go.

Public Works Director Coleman came forward and explained the Utility Code to Council. The Code requires an individual service to each lot because if a service is shared, and one unit has a problem, then all of the units on the single service would be effected if there is a problem. Director Coleman stated he would be more than happy to sit down with Ms. Essex and Mr. Glatiotis and review any proposed code changes they might have. Councilmember Smits suggested getting input from the Planning and Zoning Commission on this code issue.

Mayor Ferguson thanked Ms. Essex and Mr. Glatiotis for coming in and encouraged them to meet with Public Works Director Coleman and City Attorney Landwehr to work out a resolution to this issue.

General Discussion/Items for Work Sessions:

Mayor Ferguson: Asked about setting a Council retreat date. Dates were discussed and Friday, June 13, was set as the tentative date. City Manager Collins stated he has a list of possible facilitators and asked if Council had any additional suggestions, to please get them to him.

Councilmembers Duba, Simillion: Nothing further to report.

Councilmember Smits: Asked the City Clerk to advertise the vacancies on the Housing Authority. The City Clerk stated she would advertise for one representative and one alternate.

Adjournment: The meeting was adjourned at 8:58 P.M.

Mayor

ATTEST:

City Clerk